

AS

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-368-C - ORDER NO. 97-1074  
DECEMBER 29, 1997

IN RE: Application of Jerry La Quiere DBA ) ORDER  
LEC Link for a Certificate of Public ) APPROVING  
Convenience and Necessity to Provide ) CERTIFICATE  
Local Exchange Telecommunications ) TO PROVIDE  
Services within the State of ) LOCAL SERVICE  
South Carolina. )

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the application of Jerry La Quiere d/b/a LEC-Link ("LEC-Link" or "the Company"). The Application requests that the Commission issue a Certificate of Public Convenience and Necessity authorizing LEC-Link to provide local exchange and interexchange telecommunications services through the resale of local services of BellSouth Telecommunications, Inc. ("BellSouth") in the State of South Carolina. The Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 1996), and the Regulations of the Commission.

By letter dated September 25, 1997, the Commission's Executive Director instructed LEC-Link to publish, one time, a prepared Notice of Filing and Hearing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing and Hearing was to inform interested parties of the manner and time in which to file the appropriate

pleadings for participation in the proceedings and to provide notice of the hearing date on this matter. LEC-Link complied with this instruction and provided the Commission with proof of publication of the Notice of Filing and Hearing. Petitions to Intervene were received from the South Carolina Telephone Coalition ("SCTC") and from the Consumer Advocate for the State of South Carolina ("the Consumer Advocate").

A hearing was convened on December 11, 1997, at 11:30 a.m. in the Commission's Hearing Room. The Honorable Guy Butler, Chairman, presided. LEC-Link was not represented by counsel. The Commission Staff ("Staff") was represented by Florence P. Belser, Staff Counsel. Neither SCTC nor the Consumer Advocate appeared at the hearing.

Prior to the hearing, LEC-Link and the Consumer Advocate engaged in discussions which resulted in LEC-Link making certain changes in its proposed tariff. As a result of LEC-Link amending its tariff, the Consumer Advocate stated that it was satisfied that LEC-Link's amended tariff met the Commission's criteria, and the Consumer Advocate notified the Commission that it would not participate in the scheduled hearing.

At the hearing, LEC-Link amended its request for authority by deleting its request to provide long distance telecommunications services. LEC-Link stated that it would sell other companies debit (or prepaid calling) cards in its office, but that such sales would be retail sales of the other companies' debit cards. LEC-Link acknowledged that it would be acting as a retail outlet

only and did not need authority to provide long distance services. Therefore, LEC-Link abandoned its request for authority to provide long distance services and elected to proceed with only its request for authority to provide local telecommunications services.

In support of its Application, LEC-Link presented Jerry La Quiere, owner of LEC-Link, to testify. The purpose of Mr. La Quiere's testimony was (1) to explain the local exchange services which LEC-Link proposes to offer in South Carolina, (2) to demonstrate that LEC-Link possesses sufficient technical, managerial, and financial resources and abilities to provide the services for which LEC-Link seeks authority, and (3) to show that the granting of this authority to LEC-Link is in the public interest.

#### DISCUSSION

S.C. Code Ann. §58-9-280 (Supp. 1996) provides that the Commission may grant a certificate to operate as a telephone utility ... to applicants proposing to furnish local telephone service in the service territory of an incumbent LEC.

After full consideration of the applicable law, LEC-Link's Application, and the evidence presented at the hearing, the Commission finds and concludes that the Certificate sought by LEC-Link should be granted. The Commission's determination is based on the following criteria as provided in S.C. Code Ann. §58-9-280 (Supp. 1996) and the evidence presented at the hearing which relates to that criteria:

(1) The Commission finds that LEC-Link possesses the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 1996). Mr. La Quiere testified that LEC-Link's technical and managerial abilities are demonstrated by his experience in providing pay telephone services and by his successful business experience. He further stated that he is currently under contract with BellSouth to provide service in nine states and is providing local service in Tennessee.

Regarding LEC-Link's financial resources, the record reveals that LEC-Link is operated as a sole proprietorship based in Nashville, Tennessee. Mr. La Quiere testified that LEC-Link has sufficient financial resources to provide local services.

No other party offered any evidence in opposition to Mr. La Quiere's testimony. Based on the undisputed evidence of the record, the Commission finds that LEC-Link possesses the technical, financial, and managerial resources sufficient to provide the services requested.

(2) The Commission finds that LEC-Link will provide services that will meet the service standards of the Commission. S.C. Code Ann. §58-9-280(B)(2) (Supp. 1996). Mr. La Quiere testified that LEC-Link intends to provide local exchange services by reselling the transmission facilities of BellSouth. Mr. La Quiere specifically stated that LEC-Link will comply with all applicable rules, policies, and statutes applicable to the offering of those services and that LEC-Link fully intends to meet the Commission's

service standards. Furthermore, Mr. La Quiere stated that LEC-Link would make certain changes to its tariff, as suggested by Staff and the Consumer Advocate, to bring the tariff into compliance with Commission Rules and Regulations. No party offered any evidence to dispute Mr. La Quiere's testimony. Based on the undisputed testimony from Mr. La Quiere, the Commission believes, and so finds, that LEC-Link will provide telecommunications services which will meet the service standards of the Commission.

(3) The Commission finds that LEC-Link's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. §58-9-280(B)(3) (Supp. 1996). Mr. La Quiere stated that LEC-Link's service offerings would not adversely impact the availability of affordable local exchange service. Mr. La Quiere offered that certification of LEC-Link would serve the public interest by promoting competitive pricing. Further, Mr. La Quiere offered that certification of LEC-Link would increase incentives for all carriers to offer more innovative services and to improve the quality of service. No party offered any evidence that the provision of local exchange service by LEC-Link would adversely affect local rates. Therefore, based on the undisputed evidence of record, the Commission finds that provision of local exchange services by LEC-Link will not adversely impact affordable local exchange service.

(4) The Commission finds that LEC-Link will support

universally available telephone service at affordable rates. S.C. Code Ann. §58-9-280(B)(4) (Supp. 1996). Mr. La Quiere testified that LEC-Link will comply with the Commission's universal service requirements. No party disputed Mr. La Quiere's testimony. Based on the undisputed evidence of record, the Commission finds that LEC-Link will participate in support of universally available telephone service at affordable rates.

(5) The Commission finds that the provision of local exchange service by LEC-Link "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1996). Mr. La Quiere offered that approval of LEC-Link to provide local telecommunications services will benefit consumers by providing high quality services at competitive prices and providing additional choice for South Carolina consumers. Mr. La Quiere's testimony was undisputed as no party offered any evidence that approval of LEC-Link's Application would adversely impact the public interest. Therefore, the Commission finds that approval of LEC-Link's Application for a Certificate to provide local exchange service "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1996).

Therefore, based on the findings above, the Commission finds and concludes that the Certificate sought by LEC-Link should be granted.

IT IS THEREFORE ORDERED THAT:

1. The Application of LEC-Link for a Certificate of Public Convenience and Necessity authorizing LEC-Link to resell local

telephone services of BellSouth Telecommunications, Inc. in the State of South Carolina is approved.

2. LEC-Link shall file, prior to offering local exchange services in South Carolina, a final tariff of its service offerings. The final tariff shall include the modifications and changes as proposed by the Commission Staff and to which LEC-Link agreed.

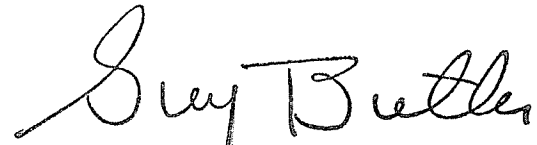
3. LEC-Link shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, and tests and repairs. In addition, LEC-Link shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. LEC-Link shall file with the Commission the names, addresses, and telephone numbers of these representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, LEC-Link shall promptly notify the Commission in writing if the representatives are replaced. LEC-Link is directed to comply with all Commission regulations unless expressly waived by the Commission.

4. LEC-Link shall conduct its business in accordance with Commission decisions and Orders, both past and future, including, but not limited to, any and all Commission decisions which may be

rendered in Docket No. 96-018-C regarding local competition.

5. This Order shall remain in full force and effect until further Order of the Commission.

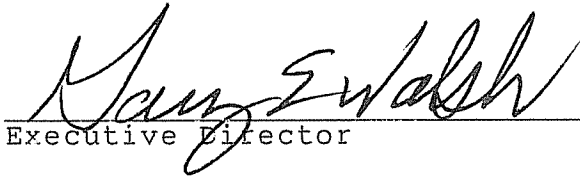
BY ORDER OF THE COMMISSION:



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Chairman

ATTEST:



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Deputy

Executive Director

(SEAL)



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DECEMBER 29, 1997  
ATTACHMENT A

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INFORMATION OF THE AUTHORIZED UTILITY REPRESENTATIVES  
FOR INTEREXCHANGE, LOCAL AND AOS COMPANIES

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION  
REGULATION 103-612.2.4(b), each utility shall file and  
maintain with the Commission the name, title, address, and  
telephone number of the persons who should be contacted in  
connection with Customer Relations/Complaints.

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Company Name/DBA Name

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Business Address

---

City, State, Zip Code

---

Authorized Utility Representative (Please Print or Type)

---

Telephone Number

---

Fax Number

---

E-Mail Address

---

This form was completed by

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Signature

If you have any questions, contact the Consumer Services  
Department at 803-737-5230